IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO :32597 of 1997

DATED:12.9.2007

Between:
G.Thavitinaidu

..... PETITIONER

AND

A.P.State Electricity Board rep by its Member Secretary,
Vidyuthsoudha, Hyderabad & another.

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO:32597 OF 1997

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents contained in memo Nos:514, dated 22.4.1997, 1372, dated 24.9.1997 and 1649/97, dated 28.11.1997 purporting to reverse the petitioner from the category of UDC to that of LDC pursuant to B.P. (P & G-PER)/Ms.No:217, dated 18.1.1997 as arbitrary and illegal and direct the respondents to continue the petitioner as U.D.C with all consequential benefits.

The grievance of the petitioner is that he joined in the services of the respondent-board as L.D.C/Revenue Cashier and by virtue of B.P.Ms.No:414, dated 3.5.1989, the 1st respondent has provided reservation of 10% vacancies of U.D.C post to be filed in by the Revenue cashiers from the Integrated seniority list consisting of L.D.C and Revenue cashiers and in view of the reservation of 10% vacancies in the UDC category for the unqualified revenue cashiers, promotions of the revenue cashiers took place and he was promoted as U.D.C on 1.8.1996 and since then, he was continuing in the service as U.D.C. In the meanwhile, the memo impugned herein has been issued by the 2nd respondent against the petitioner informing that he would be reverted to the post of LD.C. Therefore, the order of the

respondents is arbitrary and contrary to the principles of natural justice.

Heard the learned counsel and perused the entire material available on record.

A perusal of the memo impugned goes to show that the same has been issued basing on the judgment of the Apex Court in C.A.Nos.180 and 181 of 1984 wherein it is held thus:

> **"There is no unqualified point, there is no ratio and all the points are qualified points only and therefore, the relaxation given from 27.2.1996 to promote the unqualified candidates to higher categories shall be deemed to be null and void legally."**

Admittedly, the petitioner was promoted as U.D.C on 1.8.1996 in pursuance of the reservation of 10% vacancies in the U.D.C category for the unqualified revenue cashiers. In view of the judgment of the apex Court in the above C.As., the memo impugned herein has been issued.

In the facts and circumstances of the case, I feel that the memo impugned herein is in consonance with the guidelines laid down by the Apex Court in the above C.As. Hence, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(JUSTICE T.MEENAKUMARI)

12th September, 2007

gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

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12th September, 2007.